

APPROVED MINUTES of the Regular
Meeting of the City Council of the City of Rye
held in City Hall on March 15, 2017, at 7:30 P.M.

PRESENT:

JOSEPH A. SACK Mayor
KIRSTIN BUCCI
EMILY HURD
JULIE KILLIAN
TERRENCE McCARTNEY
RICHARD MECCA
Councilmembers

ABSENT:

DANIELLE TAGGER-EPSTEIN
Councilmember

The Council convened at 6:30 P.M. Councilman McCartney made a motion, seconded by Councilwoman Bucci and unanimously carried to immediately adjourn into Executive Session to discuss litigation and personnel matters. Councilman McCartney made a motion, seconded by Councilwoman Bucci and unanimously carried, to adjourn the Executive Session at 7:30 P.M. The regular meeting convened at 7:45 P.M.

1. Pledge of Allegiance.

Mayor Sack called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call.

Mayor Sack asked the City Clerk to call the roll; a quorum was present to conduct official City business.

3. General Announcements.

Councilman McCartney announced that on the Rye Recreation front, Kiddy Camp is now full. Further, Camp 78 still has some openings in certain weeks, but that program is also filling up quickly. He also announced that the Disbrow Park development public meeting schedule will be announced in April 2017. He also announced that the Spring/Summer recreation program information has been sent out to residents. On the Rye Golf Club front, early discount registration ends for the Rye Golf Club tomorrow, March 16, 2017. Councilman McCartney also made a statement in accordance with the Gun Safety Initiative spearheaded by him and Councilwoman Tagger-Epstein. He said that there are guns in almost one-third of all households nationwide. He also said that it is important to talk to children about gun safety.

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Councilwoman Killian announced that the Bread of Life Food Pantry in Rye is having its Annual Benefit on May 3, 2017 at Serendipity Labs at 7:30 P.M.

Councilwoman Hurd stated that SPRYE had an excellent recent annual report.

4. Draft unapproved minutes of the regular meeting of the City Council held March 1, 2017.

Councilman McCartney made a motion, seconded by Councilman Mecca and unanimously carried, to approve the minutes of the regular meeting of the City Council held March 1, 2017.

5. Issues Update/Old Business.

Mayor Sack stated that Port Chester Village Board approved the findings statement concerning the United Hospital/ Starwood development site. He said that the City of Rye has always looked at this site with the goal of mitigating any impacts that may affect the immediately adjacent Rye neighborhoods.

Mayor Sack and Councilman McCartney explained that at the last minute prior to a vote, the Village of Port Chester in their March 6, 2017 findings removed a turn lane onto the Boston Post Road, which unfortunately may result in traffic being redirected onto High Street. As a result, the Litigation Committee has met, and the conclusion is to prepare to potentially file an Article 78 proceeding.

Mayor Sack made a motion to authorize Corporation Counsel Wilson to take necessary steps to prepare for Article 78 filing if necessary.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca
NAYS: None
ABSENT: Councilwoman Tagger-Epstein

Mayor Sack then clarified that sandwich boards are not allowed within the rights of way in the central business district in the City of Rye. He also clarified with City Manager Serrano and Corporation Counsel Wilson that cabaret licensing are required for establishments with dancing.

**** Please note that the Tolling Agreement between the City of Rye and Crown Castle has been extended for a three-week period. No decision or vote on the Crown Castle matter (Agenda Items #6 and #7) will occur until the April 5, 2017 City Council Meeting.**

6. Continuation of the Public Hearing to amend the Rye City Code: (a) local law Chapter 133, "Noise", by amending Section §133-4, "Points and method for

measuring intensity of sound” to regulate placement and noise of telecommunication devices; (b) local law Chapter 167, “Streets and Sidewalks”, to add a new 196, “Wireless Telecommunications Facilities”, by amending Sections §196-3 through §196-8, §196-14, §196-17, §196-18, and §196-22 to regulate wireless facilities and structures regarding size, visual impact and permit process.

Mayor Sack opened the public hearings for items 6 and 7 on the agenda together.

Charles Hyman, 95 Dogwood, thanked the City Council for listening to the citizens on the concerns raised. He felt concerned about health impacts and aesthetic effects.

Michael Sheridan, Snyder & Snyder, on behalf of Verizon Wireless, submitted written comment to the City Council. For the record, he stated that it is a nine page letter, including various comments on the definitions within the local laws, setback requirements, and other items.

Sam Burruano, 290 North Street, asked whether the new Chapter 196 would apply to Crown Castle. Mayor Sack and Corporation Counsel Wilson explained that Crown Castle did not submit an application pursuant to Chapter 196, but that the issue would be identified at a later date as litigation might be imminent. Mr. Burruano asked the Council to reconsider the 25 foot setback. He also felt that the standard within the law should be that of clear and convincing evidence. He stated that he felt “least intrusive” should be added to the concealed utility portion of the law.

Ben Stacks, 15 Sonn, addressed the Council. He stated that the current DAS node in the right-of-way near his home should be mitigated if the law is changed. He expressed concern over the noise emitted from a DAS node.

Callie Erikson, 190 Locust Avenue, addressed the Council. She addressed the list of priorities within the existing code versus the new proposed draft. She asked that the highway and railway areas be reenlisted as priorities. She discussed Greenwood Union Cemetery as a possible site for a new wireless facility. She stated that taller structures should be considered. She also stated that no wireless facilities, including stealth ones, should be exempt from certain provisions.

There was general discussion over large, tall facilities versus small nodes and preferences.

Joshua Cohn, 24 Green Avenue, expressed concern over the drafting of the law.

Julie Souza, Loudon Woods, thanked the Mayor and Council. She stated she had been present at many of the meetings. She referenced the CityScape meeting. She asked if the City had the coverage gaps maps of the 700 mHz data. Mayor Sack stated that they have not received that information to date. Ms. Souza asked if the City had a full inventory of existing structures. Mayor Sack stated that the City is attempting to get a better handle on this inventory. She said that there is a perception that this is an adversarial issue.

Mayor Sack commented that the Council has been very open to hearing citizen comment and taking them into account when considering the issues and shaping the proposed drafts.

Councilman Mecca stated that he has heard some proposals about putting a tower on top of the Police Department. From an engineering perspective, the City would need to look at how much square footage it would want to give up in that building to handle 110 mile-per-hour wind. He explained the specifics of how structures are attached and designed to withstand the required principles.

Daniel Sarmiento, 8 Holly Land, stated that he and his family recently moved to Rye. He said that if he knew that there would be a DAS node proposed near his home, he would not have moved to Rye. He expressed concern of a change in neighborhood character due to the placement of a node.

7. Continuation of the Public Hearing regarding the request submitted by Crown Castle to amend their agreement with the City and for the installation of additional locations to their existing wireless telecommunications located in the City of Rye.

Mr. Cohn addressed the Council again. He said that the City should consider stealth facilities on Whitby Castle. He was happy to hear that the City was moving toward a denial of Crown Castle's current application. He stated concern that Crown had not yet provided a map of a gap in coverage of 700 mHz, but only a "drive test" map. He referenced a letter to the City by a Verizon engineer, which does not reference a "significant" gap in coverage. He talked further about Verizon's interest and the future of technology.

Chris Fisher, Cuddy & Feder, on behalf of Crown Castle, addressed the Council. He discussed the most recent proposal to the City Council, in which all nodes would be placed on utility poles. The revised plan was the result of several months of consideration after hearing from residents and the Council. He discussed the specific boxes and infrastructure/cabinets proposed, concerning the size, materials and locations on poles.

Mayor Sack asked if Mr. Fisher or Crown Castle had cured any of the deficiencies noted by the City of the right-of-way use agreement. Mr. Fisher said that the new proposal would address at least one of the noted deficiencies.

Mr. Fisher commented again that he feels that the application would fall under a Type 2 SEQRA declaration. He said that the Department of Environmental Conservation is currently amending their regulations to declare this type of issue a Type 2 action.

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to continue the Public Hearing on April 5, 2017.

8. Residents may be heard on matters for Council consideration that do not appear on the agenda.

There was nothing discussed under this agenda item.

9. Adoption of the 2017 County property tax rates.
Roll Call.

City Manager Serrano explained that each year, the City collects the County tax based on the County's equalization rate.

Councilman Mecca made a motion, seconded by Councilwoman Killian,

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca
NAYS: None
ABSENT: Councilwoman Tagger-Epstein

10. Resolution to appropriate \$825,000 of the Golf Club Fund's Unreserved Fund Balance for six major capital projects at the Rye Golf Club.
Roll Call.

Councilman McCartney explained that items of priority on major capital projects at the Golf Club are underway. He stated he recommended spending the funds, as there will still be \$2.243 million left. Mayor Sack stated that all monies were raised by membership dues, rather than taxpayer dollars.

Councilman McCartney made a motion, seconded by Councilwoman Bucci, to appropriate \$825,000 of the Golf Club Fund's Unreserved Fund Balance for six major capital projects at the Rye Golf Club.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca
NAYS: None
ABSENT: Councilwoman Tagger-Epstein

11. Resolution to transfer \$45,000 from the Police Salaries line to the Building and Vehicle Fund for the purchase of a police vehicle.
Roll Call.

City Manager Serrano explained that he recently provided backup on the state of the current vehicles. He also stated that the salary set was \$145,000, and therefore there would be funding leftover.

Councilwoman Bucci made a motion, seconded by Councilman McCartney, to adopt the following resolution:

WHEREAS, City staff has determined that the amounts required for the purchase of a police vehicle were not anticipated and were not provided for in the adopted 2017 budget by 45,000, and;

WHEREAS, the Police Salaries line has enough funds to be appropriated for the purchase of a new police vehicle, now, therefore be it;

RESOLVED, that the City Comptroller is authorized to transfer \$45,000 from the Police Salaries line to the Building and Vehicle Fund for the purchase of a new police vehicle.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca
NAYS: None
ABSENT: Councilwoman Tagger-Epstein

12. Consideration of a request by the Rye Chamber of Commerce for the use of City Car Park #2 on Sundays from May 21, 2017 through December 3, 2017 from 8:30 a.m. to 2:00 p.m. for the Rye Farmers Market.

City Manager Serrano stated that the City would do its best to ensure that the construction within the downtown would be scheduled around the planned Sidewalk Sale dates.

Councilwoman Hurd made a motion, seconded by Councilman Mecca and unanimously carried, to approve the request by the Rye Chamber of Commerce for the use of City Car Park #2 on Sundays from May 21, 2017 through December 3, 2017 from 8:30 a.m. to 2:00 p.m. for the Rye Farmers Market.

13. Consideration of a request by the Rye Chamber of Commerce for the use of City streets for the Annual Sidewalk Sale to be held on Thursday, July 27, 2017 through Saturday, July 29, 2017 from 9:00 a.m. to 5:00 p.m.

Councilwoman Hurd made a motion, seconded by Councilman Mecca and unanimously carried, to approve a Consideration of a request by the Rye Chamber of Commerce for the use of City streets for the Annual Sidewalk Sale to be held on Thursday, July 27, 2017 through Saturday, July 29, 2017 from 9:00 a.m. to 5:00 p.m.

14. Consideration of a request by the Westchester County chapter of the National Alliance on Mental Illness (NAMI) to have a ribbon initiative in the Central Business District during the month of May 2017.

Councilwoman Killian made a motion, seconded by Councilman Mecca to approve the request by the Westchester County chapter of the National Alliance on Mental Illness

(NAMI) to have a ribbon initiative in the Central Business District during the month of May 2017.

15. Miscellaneous communications and reports.

There was nothing discussed under this agenda item.

16. New Business.

Mayor Sack appointed Jim Kuster to the CCAC and appointed Marion Anderson to the Human Rights committee. The Council unanimously upheld the appointments.

Councilwoman Hurd said that she would like to work with staff to draft legislation to approve Games of Chance within the City of Rye.

17. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion at 9:35 P.M., seconded by Councilwoman Bucci and unanimously carried, to adjourn the meeting of the City Council.

Respectfully submitted,

Carolyn E. D'Andrea
City Clerk